

UTILITY PATENT APPLICATION TRANSMITTAL

(Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
WD2-98-112

Total Pages in this Submission

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

PRE-SALE DATA BROADCAST SYSTEM AND METHOD

and invented by:

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 JCS40 U.S. PTO
 09/22/09
 12/28/98

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 08/994,426

Which is a:

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/166,405

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

Application Elements

1. ☐ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 41 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☒ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
a. ☒ Formal b. ☐ Informal Number of Sheets 13
4. ☒ Oath or Declaration
a. ☐ Newly executed *(original or copy)* ☒ Unexecuted
b. ☐ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
c. ☒ With Power of Attorney ☐ Without Power of Attorney
d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche
7. ☐ Genetic Sequence Submission *(if applicable, all must be included)*
a. ☐ Paper Copy
b. ☐ Computer Readable Copy
c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☐ Assignment Papers *(cover sheet & documents)*
9. ☐ 37 CFR 3.73(b) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☐ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
☐ First Class ☒ Express Mail *(Specify Label No.):* EM56604886US

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Accompanying Application Parts (Continued)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Small Entity Statement(s) - Specify Number of Statements Submitted: _____
17. ☐ Additional Enclosures (please identify below):

Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	91	- 20 =	71	x \$9.00	\$639.00
Indep. Claims	23	- 3 =	20	x \$39.00	\$780.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$380.00
OTHER FEE (specify purpose)					\$0.00
TOTAL FILING FEE					\$1,799.00

- ☐ A check in the amount of _____ to cover the filing fee is enclosed.
- ☐ The Commissioner is hereby authorized to charge and credit Deposit Account No. _____ as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
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 - ☐ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
 - ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: December 28, 1998


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PRE-SALE DATA BROADCAST SYSTEM AND METHOD

CROSS-REFERENCE TO RELATED APPLICATIONS

5 The present application is a continuation-in-part of co-pending patent application
no. 08/994,426, entitled "METHOD AND APPARATUS FOR PROVIDING
SUPPLEMENTARY PRODUCT SALES TO A CUSTOMER AT A CUSTOMER
TERMINAL", filed on December 19, 1997, and is a continuation-in-part of co-pending patent
application no. 09/166,405, entitled "METHOD AND APPARATUS FOR DEFINING
ROUTING OF CUSTOMERS BETWEEN MERCHANTS," filed October 5, 1998, both of
10 which are hereby incorporated by reference.

FIELD OF THE INVENTION

The present invention relates generally to point-of-sale (POS) systems, and more
specifically to POS marketing systems.

BACKGROUND OF THE INVENTION

15 Cash registers have historically been used by retailers to manage transactions.
Specifically, cash registers perform efficient and accurate tallying and reporting duties. As
retailers have begun to increasingly rely on sales data, POS systems have gradually started to
replace conventional cash registers. Today, POS systems utilize data for both accounting and
marketing purposes.

20 For example, retailers have used data obtained from a POS system to manage
frequent shopper programs. In such programs, customers often carry cards with a machine-
readable indicia, such as magnetic stripes or bar codes. The cards identify the customer to the
POS system which tracks purchase behavior. The transaction data which can be obtained
through the POS system may include one or more of the following: (i) the items an individual
25 purchased, (ii) the frequency at which an individual shops, (iii) an individual's average purchase

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total, and/or (iv) an individual's coupon redemption behavior. In addition, transaction data can be aggregated to account for regional and demographic behavior such as reactions to sales and promotions. While customers are rewarded for their loyalty, a database of such information is formed.

5 Product manufacturers have also utilized data collected through POS systems for marketing purposes. Manufacturers use the data to track product performance and the impact of manufacturer promotions, such as coupons and rebates. Manufacturers can benefit from the ability provided by the POS to instantly and directly market to individual customers. For example, many manufacturers profit through many POS couponing services offered by systems
10 such as those disclosed in various U.S. patents, including 4,723,212; 4,910,672; 5,173,851; and 5,612,868.

 The benefits realized by manufacturers through the use of POS data and current POS marketing techniques are grossly exaggerated, however. Sales data drastically diminishes in value by the time manufacturers have a chance to analyze the data and make decisions on their
15 analysis. Post-sale sales data, at best, can be used to influence a customer's subsequent purchases. For one-time or infrequent purchases, data indicating that a customer purchased a competing brand is relatively useless to a manufacturer in that the customer has already purchased the competitor's product. Furthermore, although prior systems may give customers targeted coupons instantly after a purchase at the POS, this is too late to encourage current
20 consumer behavior because the customer must bring the coupon back to the store at a subsequent visit.

 In addition, because coupons and rebates require a further active step in addition to the initial purchase, the effectiveness of such programs is minimal. This deficiency can be attributed to a manufacturer's extremely passive role in such promotions. Coupons are printed,
25 distributed, and left to customers to redeem. Customers, however, often forget to bring such coupons to the store, and often misplace such coupons. Even so-called "coupon-less" frequent shopper card systems require shoppers to carry cards, which are burdensome to carry and are also lost or frequently forgotten. Because coupons suffer low redemption rates, coupons are inevitably a poor vehicle for manufacturers to effectively provide customer value. In addition,

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rebate offers are often ignored because of the inconvenience to the buyer in redeeming the offer. Ultimately, customers often find rebates valueless because the amount of money to be redeemed can be rather insubstantial compared to the effort and postage required for redemption.

Manufacturers have also historically been limited in their ability to compete with other manufacturers at retail locations. At best, manufacturers can effectively compete by packaging products more attractively and by obtaining better positioned retailer shelf space. Because manufacturers are not actively involved in retail transactions and sales efforts, they miss opportunities to market directly to ready, willing and able buyers at a time when buyers are making purchasing decisions.

SUMMARY OF THE INVENTION

It is an object of the present invention to provide a method and apparatus for more effectively marketing products to consumers.

In accordance with the present invention, manufacturers can market products directly to consumers at the time of purchase. Prior to completing the sale of an original product at a POS terminal, one or more manufacturers can offer comparable substitute products to a customer. As such, customers need not actively seek and/or redeem promotional benefits after a purchase, thereby enhancing manufacturer marketing efforts.

In one embodiment of the present invention, the method for promoting the sale of substitute products includes receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal; determining a substitute product to be offered to the consumer during a transaction session; and offering the substitute product to the consumer before the transaction session terminates. The method of determining the substitute product to be offered to the customer may be based on factors such as product profit margin, product inventory information, product expiration date, retail product price information, product floor price information, product sales information, sale and promotional pricing information, product demand, product forecasts, product class, product pricing, and product features. This method may be carried-out by the manufacturers' servers, retailer's server and/or various POS terminals, as well as other devices.

BRIEF DESCRIPTION OF THE DRAWINGS

Figure 1 is a block diagram illustrating an overview of a system in accordance with the present invention.

Figure 2 is a block diagram illustrating an exemplary POS terminal in accordance with the present invention.

Figure 3 is a block diagram illustrating an exemplary POS server in accordance with the present invention.

Figure 4 is a block diagram illustrating an exemplary manufacturer server in accordance with the present invention.

Figures 5A and 5B together comprise a flowchart illustrating a process performed by the POS terminal in accordance with one embodiment of the present invention.

Figure 6A & 6B together comprise a flowchart illustrating a process performed by a POS server in accordance with one embodiment of the present invention.

Figure 7 is a flowchart illustrating a process performed by a manufacturer's server in accordance with one embodiment of the present invention.

Figures 8A and 8B together comprise a flowchart illustrating a process performed by a POS server in accordance with another embodiment of the present invention.

Figure 9 is a flowchart illustrating a process performed by a POS server in accordance with another embodiment of the present invention.

Figure 10 is a flowchart illustrating a process performed by a manufacturer's server in accordance with various embodiments of the present invention.

DETAILED DESCRIPTION OF SEVERAL EMBODIMENTS OF THE
PRESENT INVENTION

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The present invention provides a POS system configured to actively solicit manufacturer marketing promotions during a sales transaction. As used throughout the application, the term "manufacturer" refers to any product supplier, regardless of whether or not the supplier actually manufactures the end product that is sold through retail channels. By directly marketing to customers at the time of purchase, but prior to consummation of the purchase, manufacturers market directly to customers, thereby enhancing their marketing efforts. Further, since such customers have already indicated their readiness to purchase the product, the manufacturers are assured that their marketing efforts have an increased chance of success. As such, the present invention provides manufacturers a greater opportunity to compete with other manufacturers at retail locations. The present invention also provides a greater opportunity for retailers to accelerate the sale of overstocked, distressed and/or slow-selling merchandise. As such, customers need not actively realize promotional benefits after a purchase, through any form of coupon or rebate redemption.

In various embodiments of the present invention, a central POS server is connected via a communication port to at least one POS terminal and at least one remote manufacturer server. After the initiation of a transaction at a POS terminal, but before consummation of the transaction, the POS server contacts one or more manufacturer servers. The POS server notifies the manufacturer server(s) of a transaction in progress and provides the manufacturer server(s) with transaction data such as product identifiers, customer identifiers, inventory data, or the like. After receiving the transaction data, a manufacturer server may evaluate the data to determine if the customer's product selection best serves the manufacturer's financial interest. If not, the manufacturer server would return a signal to the POS server conveying a promotional offer to encourage the buyer to favorably switch products. For example, the manufacturer may determine that it would be more profitable for the customer to purchase the manufacturer's product rather than a competitor's product. In the alternative, the manufacturer may determine that it would be more profitable if the customer were to purchase a different one of its own products rather than the one the customer has selected. If the customer accepts the offer, the POS terminal voids the sale of the original product from the pending transaction subtotal, adds the substitute product's price to the subtotal, adjusts the price of the

substitute product to reflect the manufacturer's discount and completes the sale of the substitute product.

With reference to the Figures, various embodiments and exemplary POS terminals, POS servers and manufacturer servers, and their methods of operation, will now be described. The leading number of each reference number used throughout the drawings indicates the first figure in which the reference number is introduced.

With reference to Figure 1, the overall system 100 of one embodiment of the present invention is shown. In this embodiment, the system 100 includes N number of POS terminals 110, a POS server 120, a network 130 and N number of manufacturer servers 140, each of which will be described in greater detail below.

POS terminals 110 are connected via communication ports to the POS server 120. Although three POS terminals are shown in figure 1, it is to be understood that the system 100 may have as few as one POS terminal or as many as N number of POS terminals. Each of the POS terminals 110 includes a card authorization terminal ("CAT"), such as those manufactured by Verifone, Inc., or a similar device for generating data relating to a purchase, such as purchase price, items purchased and other purchase parameters. The POS terminals 110 transmit this generated data to the POS server 120, thereby providing information to the POS server 120 relating to the purchase. The POS server 120 communicates via a network 130, such as the internet, LAN, WAN, or a telephone network, to communicate with one or more manufacturer servers 140. It is to be understood however that the POS server 120 may communicate with the POS terminals 110 and manufacturer servers 140 through other media, such as through wireless communication devices.

With reference to Figure 2, an exemplary POS terminal 110 is shown. The POS terminal 110 includes a CPU 210, which may contain one or more conventional microprocessors, and is connected to a RAM 220, ROM 230, clock 240, one or more output device(s) 250, one or more input device(s) 260, and a communications port 270 for communicating with the POS server 120. Output devices 250 may include devices

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such as LCD displays, LED displays, CRT terminals, and printers, among other devices.

The input devices 260 may include a keyboard, cardreaders, and touch screen devices, among others.

With reference to Figure 3, a schematic block diagram of an exemplary
5 POS server 120 is shown. The POS server 120 includes a CPU 310, which may contain
one or more conventional microprocessors, and a data storage device 320, which may
contain an appropriate combination of magnetic, optical and semiconductor memory
devices. The CPU 310 communicates with POS terminals 110 and network 130 via a
communication port 330. The CPU 310 and the storage device 320 may be (i) located
10 entirely within a single computer or other computing device; (ii) connected to each other
by a remote communication link such as a serial port cable, telephone line or radio
frequency transceiver; or (iii) a combination thereof.

The POS server 120 also includes a RAM 340, a ROM 350 and a clock
360 which are disposed in communication with the CPU 310. The storage device 320
15 stores (i) a program 365 for controlling the CPU 310; (ii) an inventory database 370; (iii)
a transaction database 380 and (iv) a manufacturer database 390. The program 365
drives the CPU 310 to operate in accordance with the present invention and with the
methods described in detail herein. The program 365 further includes additional program
elements that may be necessary, such as "device drivers," for allowing the CPU 310 to
20 interface with other devices.

The inventory database 370 stores information regarding products that the
retailer currently has in stock. For example, the inventory database 370 may contain
information such as UPC codes, corresponding prices and corresponding available
quantities. The inventory database 370 may also be accessed during a conventional
25 transaction to check for prices and update inventory status. In one embodiment of the
present invention, the inventory database 370 may be indirectly queried by a
manufacturer server to see if a retailer has a sufficient inventory of a particular product
for possible selection as an offered substitute product.

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In general, it is to be understood that the inventory database 370 may contain a wide array of information for use by the POS server 120 and/or manufacturer servers 140, such as product profit margin information, product inventory information, product expiration date information, retail product price information, product floor price information, product sales information, sale and promotional pricing information, product demand information, product forecast information, product class information, product pricing information, and information regarding product features. Product profit margin information reflects the differences between prices paid by the retailer, and the prices at which products are to be sold by the retailer. Product inventory information reflects the identity and quantity of each of the products in inventory. This information may indicate inventory at a particular location, within a particular geographic region and/or across all stores of a retailer. Product expiration date information may include expiration dates of perishable items, and/or pre-defined dates which determine when a product is outdated (i.e., when it becomes "last year's" model). Retail product price information includes current prices of products, whether or not in inventory. Product floor price information includes prices of products currently on display at a retailer. Product sales information may include the number and type of products sold over a period of time. Product demand information may also be included to reflect recent product sales rates over a period of time, as well as the number of "rain-checks" issued for particular products. Sale and promotional pricing information may include past, present and likely future sale prices and promotions. Product forecast information may include projections of likely consumer demand for particular products, particularly during specific shopping seasons. Product class information may include general classifications such as "consumer appliance" or "TV," or more specific classification such as "flat screen TV." Specific product feature information may also be included.

The transaction database 380 stores information regarding transactions for later reconciliation with the manufacturer for any promotional discounts, coupons and the like. Such information may include the time of a particular transaction, a frequent shopper ID, product identifiers for substitute products sold, the quantity of substitute products sold, the prices of substitute products sold, manufacturer discounts applied to

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substitute products (and therefore owed by the manufacturer to the retailer) and UPC data, among other information.

The manufacturer database 390 stores information that is used by the POS server 120 to manage pre-sale data broadcasts to manufacturers. The manufacturer database 390 may contain rules and instructions regarding which manufacturer(s) to contact, as well as when and how to contact the manufacturer(s). For example, the manufacturer database 390 may contain rules to contact only registered manufacturers who have subscribed with a service to receive such information. In such an embodiment, interested manufacturers pay a registration and/or subscription fee to receive information regarding customer purchases, thereby giving the registered manufacturer(s) the opportunity to offer substitute products. In addition, the manufacturer database 390 may contain rules regarding when the manufacturer is to be contacted. For example, a manufacturer may be contacted when a competing product is scanned at a retailer's POS terminal, or when a product having a certain "product class" denoted by the UPC code is scanned. The manufacturer database 390 may also contain rules on how to contact the manufacturer including internet and e-mail addresses, telephone numbers to initiate electronic communication via communication port 330, and the like.

With reference to figure 4, a schematic block diagram of an exemplary manufacturer server 140 is shown. The manufacturer server 140 includes a CPU 410, which may contain one or more conventional microprocessors, and a data storage device 420, which may contain an appropriate combination of magnetic, optical and semiconductor memory devices. The CPU 410 communicates with network 130 via a communication port 430. The manufacturer server 140 further includes RAM 440, ROM 450 and a clock 460 which are disposed in communication with CPU 410. Storage device 420 stores (i) a program 465 for controlling the CPU 410; (ii) a product database 470; and (iii) a transaction database 480. The CPU 410 and the storage device 420 may be (i) located entirely within a single computer or other computing device; (ii) connected to each other by a remote communication link such as a serial port cable, telephone line or radio frequency transceiver; or (iii) a combination thereof.

The program 465 drives the CPU 410 to operate in accordance with the present invention and with the methods described in detail herein. The program 465 further includes additional program elements that may be necessary such as device drivers for allowing the processor to interface with other devices.

5 The product database 470 stores information that is used by the manufacturer server 140 to make decisions on comparable but more profitable substitute products to offer to a customer. The product database 470 may store information such as UPC codes, prices, description of features, price floors, profit margins, and other information. The product database 470 may also include information similar to that
10 found in inventory database 370 of a POS server 120, such as product demand information and product pricing information.

 The transaction database 480 stores data relating to all transactions that are made with a retailer POS server 120. As such, information contained within the transaction database 480 may be used for purposes of settlement, reconciliation,
15 reporting, and auditing, among other purposes.

 With reference to Figures 5A and 5B, a flowchart 500 describing the method performed by the POS terminal 110 in various embodiments of the present invention is shown. The illustrated method is performed after a customer has presented a product for purchase at a retailer's POS terminal 110.

20 Transaction data which represents a customer's product selection is first received by the POS terminal 110 (step 505). This data may be entered manually by an employee of the retailer, or may be derived from the UPC code of the product selected by the customer. In one embodiment of the invention, original product data is then entered as pending sale data in the POS terminal 110. In an alternate embodiment of the
25 invention, original product data is only entered as pending sale data in the POS terminal 110 if the customer declines a manufacturer's substitute product offer.

 The POS terminal 110 transmits the transaction data to the POS server 120 (step 510) and awaits receipt of any manufacturer's offer(s). If no such offer is received

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from the POS server 120, the sale of the original product is processed and completed conventionally (step 520). If, however, one or more manufacturer offers are received from the POS server 120 (step 515), the one or more manufacturer offers are outputted and communicated to the customer (step 525). Each manufacturer offer includes a substitute product identifier and its corresponding price which are communicated to the customer. The manufacturer offer(s) may be communicated to the customer in any of a variety of ways, including verbal communication by the retailer's sales attendant to the customer, outputting the information to a printer and displaying the information to the customer, or displaying the offer(s) to the POS terminal 110 for viewing by the customer. It is to be understood, however, that other means of communicating the manufacturer offers to the customer may also be used.

If the customer does not accept the offer (step 530), the sale of the original product is conventionally completed (step 520). Upon acceptance of the offer (step 530), the POS terminal 110 removes original product information from pending sale data (step 535), adds the undiscounted substitute product price to the pending sale data (step 540), and applies the manufacturer discount (step 542) to arrive at the price at which the substitute product was offered to the customer. It is to be understood that various alternate techniques may also be used. For example, the POS terminal 110 may receive signal from the POS server 120 to replace the original product data with substitute product data in the pending sale data.

A purchase total is ultimately calculated (step 545), the sales transaction is completed and transaction summary data is communicated to the POS server 120 (step 550). This information is used by the POS server 120 to update the inventory database 370 and the transaction database 380.

With reference to Figure 6, a flowchart 600 describing the method performed by the POS server 120 in accordance with one embodiment of the present invention is shown. The POS server 120 receives transaction data from a POS terminal 110 regarding an original product presented for purchase by a customer (step 605). Based on instructions provided in program 365, and information contained in the inventory database 370, the transaction database 380 and the manufacturer database 390,

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a determination is made by the POS server 120 as to whether any manufacturers are registered to receive transaction data (step 610) corresponding to the original product. If no registered manufacturers correspond to the transaction data, the transaction is processed conventionally (step 615) and the sale of the original product is completed at the POS terminal 110. In one embodiment, a signal is transmitted to the POS terminal 110 to indicate that no substitute product offer is available. In another embodiment, no signal is sent to the POS terminal 110, and the sale of the original product is completed at the POS terminal 110 after a designated amount of time has passed and no information has been received from the POS server 120.

It is to be understood that there may be many situations in which no substitute products are offered. For example, if there are no alternative substitute products available in the inventory database 370 corresponding to the inventory of a particular retailer, the POS server 120 may conclude that no substitute product is available. In another example, there may be no registered manufacturers which could offer substitute products for the original product.

If there are registered manufacturers which correspond to the transaction data (step 610), the transaction data is transmitted to one or more manufacturer servers 140 (step 620) and the POS server 120 awaits receipt of a response signal from the one or more manufacturer servers 140 (step 625). If the POS server 120 receives a response signal indicating that one or more manufacturers transmitted an offer for a substitute product (step 630), the one or more substitute product offers (including the substitute product identifier(s) and price(s)) are transmitted to the POS terminal (step 635). If no response is received from the manufacturer server(s) or if responses are received from the manufacturer server(s) indicating that no substitute product offers are to be made (step 630), the sale of the original product is processed conventionally and the sale of the original product is completed (step 615). If the customer does not accept the offer for the substitute product (step 640), the sale of the original product is also processed conventionally (step 615).

If the customer does accept the offer (step 640), an acceptance signal is received from the POS terminal 110 and the transaction details are recorded in the

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transaction database 380 (step 645). The POS server 120 also transmits the transaction details to the appropriate manufacturer server(s) 140 (step 650). This information is ultimately used to assure that the manufacturer of the substitute product compensates the retailer for the amount of the discount. In one embodiment of the present invention, if several manufacturers have provided substitute product offers, only the one manufacturer whose substitute product offer was accepted by the customer receives an indication of the customer's acceptance. In another embodiment of the present invention, all of the manufacturers who have submitted substitute product offers receive information regarding the completion of the substitute product sale.

With reference to Figure 7, a flowchart 700 describing the method performed by a manufacturer server 140 in accordance with one embodiment of the present invention is shown. The manufacturer server 140 receives transaction data from the POS server 120 regarding an original product presented for purchase by a customer (step 705). The manufacturer server 140 may also receive information regarding the inventory of a retailer from the inventory database 370 of the POS server 120. The manufacturer server 140 determines whether the retailer has inventory of one or more profitable and comparable substitute products (step 710). If not, the manufacturer server may transmit a decline message to the POS server 120 (step 715). If the retailer does have sufficient inventory of more profitable and comparable substitute products, the manufacturer server 140 transmits an offer to sell one or more substitute product(s) to the POS server 120 (step 720). This offer includes a substitute product identifier and a substitute product price to be conveyed to the customer. If the customer accepts the offer (step 725), transaction details are ultimately received from the POS server 120 (step 735) and the transaction details are recorded in the transaction database 480 (step 740). If the customer does not accept the offer, the manufacturer server 140 may update the transaction database 480 to record that no transaction was completed for a specific substitute product offer, or the manufacturer server may simply take no action in response to the customer's decline of the substitute product offer (step 730).

In determining if the retailer has inventory of more profitable but comparable product, various alternate procedures may be used. In one embodiment, the

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manufacturer server 140 queries the inventory database 370 and the manufacturer product database 470 to determine if a more profitable but comparable product is available. In another embodiment, the manufacturer server 140 may query the POS server 120 to see if the retailer has an available inventory of a substitute product or may be based upon an assumption that the retailer is likely to have inventory of such a substitute product. In another embodiment, the profitability determination may be made automatically by the manufacturer server 140 or may be made manually by an operator of the manufacturer server 140. Such an evaluation may be based on various factors including those found in inventory database 370 such as: expiration dates, retail and floor prices, upcoming sales and promotions, demand rates, and forecasts, among others. It is to be understood that there are numerous ways to accomplish this determination, each of these ways falling within the scope of the instant invention.

With reference to Figures 8A and 8B, a flowchart 800 describing the method performed by a POS server 120 in accordance with another embodiment of the present invention is shown. In this embodiment, multiple manufacturers are contacted by the POS server 120, which screens any offers to determine which offer yields the highest retailer profit. The POS server 120 transmits only this highest profit yielding offer to the POS terminal 110.

The POS server 120 receives transaction data from a POS terminal 110 regarding an original product presented for purchase by a customer (step 805). Based on instructions provided in program 365, and information contained in the inventory database 370, the transaction database 380 and the manufacturer database 390, the POS server 120 identifies appropriate manufacturer servers to receive the transaction data (step 810). In so doing, the POS server 120 may query the manufacturer database 390 for information. Appropriate manufacturers may be those sharing a similar Standard Industry Classification (SIC) code as the original product presented for purchase by a customer, or may be those manufacturers that are preregistered with the POS server 120. As such, manufacturers can subscribe for the service or can be sent offers regardless of their affirmative participation in the program. Transaction data is then transmitted to the identified manufacturer(s) (step 815). If more than one manufacturer offer is received (step 820), the POS server 120 determines which manufacturer offer yields the

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highest retailer profit (step 830) and transmits the chosen offer to the POS terminal 110 (step 840). If only one manufacturer offer was received (step 845), the POS server 120 transmits the offer to the POS terminal 110 (step 840). If no manufacturer offer is received (step 845), a signal is transmitted to the POS terminal 110 to process the sale of the original product presented by the customer in a conventional manner (step 850).

If the customer does not accept the offer (step 860), the sale of the original product is completed conventionally at the POS terminal 110 (step 865). If the customer does accept the offer (step 860), a signal is received from the POS terminal 110 indicating acceptance of the offer and the POS server 120 records the transaction details, including price, product identifier, retailer identification, and the like, in the transaction database 390 (step 870). The POS server 120 then transmits the transaction details to the appropriate manufacturer server which provided the accepted substitute product offer (step 880).

In determining which manufacturer offer yields the highest retailer profit (step 830), various techniques may be used. The evaluation may include queries of the inventory database 370, the transaction database 380 and the manufacturer database 390. As such, the evaluation may be based on factors such as expiration dates, retail and floor prices, upcoming sales and promotions, demand rates, and forecasts, among others. It is to be understood that these and other factors may be used in the determination of which manufacturer offer would yield the highest profit for the retailer.

With reference to Figure 9, a flow chart 900 describing the method performed by the POS server 120 in accordance with another embodiment of the present invention is shown. In this embodiment, multiple manufacturers are contacted by the POS server 120 and, if multiple offers are received, all of the multiple offers are communicated to the customer. In response, the customer may select one or more substitute product offers.

The POS server 120 receives transaction data from a POS terminal 110 regarding an original product presented for purchase by a customer (step 905). Based on instructions provided in program 365, and information contained in the inventory database 370, the transaction database 390 and the manufacturer database 390, the POS server 120 identifies appropriate manufacturer servers to receive transaction data (step 910), in much the same manner

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as in the aforementioned embodiment of Figure 8 (see step 810). The POS server 120 then transmits any manufacturer offers to the POS terminal 110 (step 940).

If the customer does not accept any offer (step 960), the sale of the original product is completed conventionally at the POS terminal 110 (step 965). If the customer does accept one or more offers (step 960), a signal is received from the POS terminal 110 confirming acceptance of one or more of the offers and the POS server 120 records the transaction details in the transaction database 390 (step 970). The POS server 120 then transmits the transaction details to the appropriate manufacturer server(s) which provided the accepted substitute product offer(s) (step 980).

With reference to Figure 10, a flow chart 1000 describing the method performed by a manufacturer server 140 in accordance with the embodiments of Figures 8 and 9 is shown. The manufacturer server 140 receives transaction data from the POS server 120 regarding an original product presented for purchase by a customer (step 1005). The manufacturer server 140 also receives information regarding the inventory of a retailer from inventory database 370 of the POS server 120. The manufacturer server 140 identifies comparable products in the inventory database 370 (step 1010) and determines whether any substitute product offer is to be made to the customer. If so, the substitute product offer is transmitted to the POS server 120 (step 1015). If the customer does not accept the offer (step 1020), the manufacturer server 140 may record various details regarding the rejection of the substitute product offer, or otherwise end the process (step 1025). If the customer does accept the offer (step 1020), the manufacturer server 140 receives the transaction details (step 1030) and records these details in transaction database 480 (step 1035).

ADDITIONAL ALTERNATE EMBODIMENTS

It is also to be understood that various additional alternative embodiments are also envisioned in the present invention. In one such alternate embodiment, the substitute product offer may be supplemented by a supplemental or complementary product offer, rebate, or the like. Such supplemental product offering techniques are disclosed in commonly-assigned and co-pending patent application 08/994,426, which is hereby incorporated by reference.

In another embodiment of the present invention, the POS server 120 does not transmit transaction data directly to the manufacturers server 140. Rather, a "middle man" system is used in which the POS terminal 110 transmits data to a central service (which may be operated for example by a credit card processor or issuer) which then communicates with manufacturers on behalf of the POS server 120.

In another embodiment of the present invention, a secure database can be employed by the POS server 120 to receive and store manufacturer offer rules from manufacturer servers 140. In such an embodiment, manufacturers need not be queried in real-time during the transaction. As such, the POS server 120 would contain all of the necessary rules and decision-making ability to determine whether substitute product offers are to be made, and to communicate the substitute product offers to the POS terminal 110. The use of such an alternate embodiment would potentially reduce the time necessary to determine whether substitute product offers are to be made. A technique for ceasing supplementary product offers provided by POS terminals when transaction volume surpasses predetermined levels can be seen in commonly-owned, co-pending U.S. Patent Application Number 09/045,386 entitled "Method and Apparatus for Controlling the Performance of a Supplementary Process at a Point of Sale Terminal," filed March 20, 1998, incorporated by reference herein. The present invention recognizes that customers are often unwilling to wait on long slow-moving lines. As such, this embodiment may significantly reduce the time needed to present substitute product offers to customers.

In another embodiment of the present invention which also addresses this concern regarding time delays in offering substitute products to customers, a computer program is used to temporarily stop the use of the substitute product offering techniques of the present invention if the transaction volume (number of transactions per minute) surpasses a predefined threshold. As such, during busy shopping periods, retailers could suspend substitute product offerings to accelerate sales of original products. In addition, in each of the embodiments of the present invention, the system may be configured to automatically and conventionally complete the sale of the original product, if no substitute product offers are received from the POS server 120 within a predetermined time.

In another embodiment of the present invention, the POS server 120 may be programmed to determine whether substitute product offers are to be made based on inventory

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and information regarding only the retailer. In this embodiment, no information is need from the manufacturer servers 140. As such, the retailer may directly market substitute products to the customer based on the retailer's own rules. This embodiment may be particularly effective in advancing the sale of overstocked or distressed items in a particular retailer.

5 In another embodiment to the present invention, secure databases of information regarding manufacturer offer rules and/or retailer offer rules are provided directly to the POS terminals 110. In this embodiment, the POS terminals 110 may directly determine whether substitute product offers are to be made to customers. The use of such an embodiment would eliminate the need to query various manufacturers, as well as the need to query the POS server

10 120. Such information may transmitted to the POS terminals 110 in a number of ways. For example, this information may be encrypted and transmitted over the Internet, communicated over a telephone network or transmitted over a LAN or WAN.

15 In yet another embodiment to the present invention, the retailer may gather subsidy information from potential subsidizers who are willing to subsidize a portion of the substitute product offer in exchange for some action by the customer. For example, a customer may seek to purchase a product, model X, at the point of sale. This transaction information is communicated to the POS server, along with a customer profile, including information such as frequent shopper information, to a bank. In response, the bank may present the customer with an offer that will add \$Y to upgrade the customer's purchase to model Z, if the customer agrees to

20 apply for and/or accept a new credit card offer from the bank. The customer may further be required to purchase the camera with the approved new credit card.

Although the present invention has been described with respect to various embodiments thereof, it is to be understood that various substitutions may be made in those embodiments described herein, without the departing from the spirit and scope of the present invention.

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What is claimed is:

- 1 1. A method for promoting a sale of a substitute product, comprising:
2 receiving transaction data regarding an original product presented for purchase by a
3 consumer at a point of sale terminal;
4 transmitting said transaction data to a server during a transaction session;
5 receiving information regarding a substitute product from said server; and
6 offering said substitute product to said consumer before the transaction session
7 terminates.
- 1 2. The method of claim 1 further comprising consummating a sale of said substitute product
2 upon acceptance of said offering.
- 1 3. The method of claim 2 wherein said consummating a sale comprises removing
2 transaction data regarding said original product from pending sale data and substituting
3 transaction data regarding said substitute product in said pending sale data.
- 1 4. The method of claim 3 wherein said transaction data includes at least one of: product
2 price, product identifier and product UPC code.
- 1 5. The method of claim 2 further comprising transmitting an identifier regarding said
2 substitute product to said server.

1 6. The method of claim 2 further comprising transmitting an identifier regarding said
2 substitute product to a manufacturer of said substitute product.

1 7. The method of claim 1 wherein said transaction data comprises an original product
2 identifier and a price.

1 8. The method of claim 1 comprising consummating a sale of said original product upon a
2 consumer's rejection of said offering.

1 9. The method of claim 8 wherein said consummating a sale of said substitute product
2 comprises adding transaction data regarding said original product to pending sale data
3 after said consumer's rejection of said offering.

1 10. The method of claim 1 wherein said original and substitute products have different
2 manufacturers.

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- 1 11. The method of claim 1 wherein one manufacturer manufactures both said original
2 product and said substitute product.
- 1 12. The method of claim 1 wherein said offering comprises transmitting information
2 regarding said substitute product to said consumer via at least one of: a printer, a display
3 terminal and a speaker.
- 1 13. The method of claim 1 further comprising transmitting to said server inventory
2 information of a potential substitute of said original product.
- 1 14. The method of claim 1 comprising consummating a sale of said original product if a
2 retailer's transaction volume exceeds a predetermined threshold during a predetermined
3 amount of time.
- 1 15. The method of claim 14 wherein consummating a sale of said original product occurs
2 prior to said offering.
- 1 16. The method of claim 1 further comprising transmitting additional information to said
2 server for determination of said possible substitute product, said additional information

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comprising at least one of: product profit margin information, product inventory information, product expiration date information, retail product price information, product floor price information, product sales information, sale and promotional pricing information, product demand information, product forecast information, product class information, product pricing information, and information regarding product features.

17. A method for promoting a sale of a substitute product, comprising:

receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;

transmitting said transaction data to a server during a transaction session for

determination of a possible substitute product to be offered to said consumer;

upon receipt of information regarding a substitute product from said server, offering said substitute product to said consumer before the transaction session terminates;

consummating a sale of said original product if at least one of (a) no information regarding said substitute product is received from said server, and (b) said consumer declines said offering; and

consummating a sale of said substitute product upon acceptance by said consumer of said offering.

18. The method of claim 17 wherein said consummating a sale comprises removing transaction data regarding said original product from pending sale data and substituting transaction data regarding said substitute product in said pending sale data.

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- 1 19. The method of claim 18 wherein said transaction data includes at least one of: product
2 price, product identifier and product UPC code.

- 1 20. The method of claim 17 wherein said consummating a sale of said substitute product
2 comprises adding transaction data regarding said original product to pending sale data
3 after said consumer's rejection of said offering.

- 1 21. The method of claim 17 wherein said original and substitute products have different
2 manufacturers.

- 1 22. The method of claim 17 wherein one manufacturer manufactures both said original
2 product and said substitute product.

- 1 23. The method of claim 17 wherein said offering comprises transmitting information
2 regarding said substitute product to said consumer via at least one of: a printer, a display
3 terminal and a speaker.

- 1 24. The method of claim 17 further comprising transmitting to said server inventory
2 information of a potential substitute of said original product.

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1 25. The method of claim 17 further comprising transmitting additional information to said
2 server for determination of said possible substitute product, said additional information
3 comprising at least one of: product profit margin information, product inventory
4 information, product expiration date information, retail product price information,
5 product floor price information, product sales information, sale and promotional pricing
6 information, product demand information, product forecast information, product class
7 information, product pricing information, and information regarding product features.

1 26. The method of claim 17 further comprising transmitting information regarding a sale of
2 said substitute product to said server.

1 27. A method for promoting a sale of a substitute product, comprising:
2 receiving transaction data regarding an original product presented for purchase by a
3 consumer at a point of sale terminal during a transaction session;
4 determining a substitute product to be offered to said consumer; and
5 offering said substitute product to said consumer before the transaction session
6 terminates.

1 28. The method of claim 27 wherein determining comprises determining said substitute
2 product based on at least one of the following factors: product profit margin, product inventory
3 information, product expiration date, retail product price information, product floor price
4 information, product sales information, sale and promotional pricing information, product
5 demand, product forecasts, product class, product pricing, and product features.

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2 29. The method of claim 27 further comprising consummating a sale of said substitute
3 product upon acceptance of said offering.

1 30. The method of claim 28 wherein said consummating a sale comprises removing
2 transaction data regarding said original product from pending sale data and substituting
3 transaction data regarding said substitute product in said pending sale data.

1 31. The method of claim 30 wherein said transaction data includes at least one of: product
2 price, product identifier and product UPC code.

1 32. The method of claim 29 further comprising transmitting an identifier regarding said
2 substitute product to a server.

1 33. The method of claim 29 further comprising transmitting an identifier regarding said
2 substitute product to a manufacturer of said substitute product.

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- 1 34. The method of claim 29 further comprising printing a bar code confirming the sale of
2 said substitute product.
- 1 35. The method of claim 27 comprising consummating a sale of said original product upon a
2 consumer's rejection of said offering.
- 1 36. The method of claim 35 wherein said consummating a sale of said substitute product
2 comprises adding transaction data regarding said original product to pending sale data
3 after said consumer's rejection of said offering.
- 1 37. The method of claim 27 wherein said original and substitute products have different
2 manufacturers.
- 1 38. The method of claim 27 wherein one manufacturer manufactures both said original
2 product and said substitute product.
- 1 39. The method of claim 27 wherein said offering comprises transmitting information
2 regarding said substitute product to said consumer via at least one of: a printer, a display
3 terminal and a speaker.

1 40. The method of claim 27 further comprising transmitting to said server inventory
2 information of a potential substitute of said original product.

1 41. The method of claim 27 comprising consummating a sale of said original product if a
2 retailer's transaction volume exceeds a predetermined threshold during a predetermined
3 amount of time.

1 42. A method of promoting a sale of a substitute product to a consumer, comprising:
2 receiving, from a point of sale terminal, transaction data regarding an original product
3 presented for purchase by a consumer during a transaction session;
4 determining a substitute product to be offered to said consumer; and
5 transmitting information regarding said substitute product to said point of sale terminal
6 for transmission to said consumer, before the transaction session terminates.

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2 43. The method of claim 42 wherein said determining comprises determining said substitute
3 product based at least one of the following factors: product profit margin, product inventory
4 information, product expiration date, retail product price information, product floor price
5 information, product sales information, sale and promotional pricing information, product
6 demand, product forecasts, product class, product pricing, and product features.

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- 7 44. The method of claim 42 wherein said determining comprises identifying at least one
8 manufacturer to receive said transaction data.

- 1 45. The method of claim 42 wherein said determining comprises transmitting said transaction
2 data to a plurality of manufacturers.

- 1 46. The method of claim 45 further comprising receiving substitute product offers from said
2 plurality of manufacturers.

- 1 47. The method of claim 46 further comprising selecting one of said substitute product offers,
2 and transmitting said one substitute product offer to said point of sale terminal.

- 1 48. The method of claim 42 further comprising determining a second substitute product to be
2 offered to said consumer, and transmitting information regarding said second substitute
3 product to said point of sale terminal.

- 1 49. The method of claim 42 wherein said determining comprises storing a database of
2 substitute product information, and selecting said substitute product from said database.

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- 1 50. The method of claim 49 wherein said developing comprises periodically receiving data
2 regarding substitute product information from a manufacturer.

- 1 51. The method of claim 50 wherein said developing comprises periodically receiving data
2 regarding substitute product information from a plurality of manufacturers.

- 1 52. The method of claim 42 further comprising receiving inventory information regarding a
2 retailer's inventory; and determining said substitute product based on said inventory
3 information.

- 1 53. A method of promoting a sale of a substitute product to a consumer, comprising:
2 receiving, from a point of sale terminal, transaction data regarding an original product
3 presented for purchase by a consumer during a transaction session;
4 determining whether a substitute product is to be offered to said consumer;
5 if a substitute product is to be offered to said consumer, transmitting information
6 regarding said substitute product to said point of sale terminal for transmission to said consumer,
7 before the transaction session terminates.

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- 2 54. The method of claim 53 comprising providing an instruction signal that directs said point
3 of sale terminal to consummate said purchase of said original product, if no substitute product is
4 to be offered to said consumer.

- 1 55. A method of promoting a sale of a substitute product to a consumer, comprising:
2 receiving, from a server, transaction data regarding an original product presented for
3 purchase by a consumer during a transaction session;
4 determining a substitute product to be offered to said consumer; and
5 transmitting information regarding said substitute product to said server for transmission
6 to said consumer, before the transaction session terminates.

- 1 56. The method of claim 55 further comprising subscribing with a service of said retailer to
2 receive said transaction data.

- 1 57. The method of claim 55 further comprising receiving inventory information regarding a
2 retailer's inventory; and determining said substitute product based on said inventory
3 information.

- 1 58. The method of claim 55 wherein said determining comprises determining said substitute
2 product based on factors selected from the group consisting of: product profit margin, product
3 inventory information, product expiration date, retail product price information, product floor
4 price information, product sales information, sale and promotional pricing information, demand
5 rates, product forecasts, product class, product pricing, and product features.

- 1 59. The method of claim 55 wherein said server is a retailer's server.

60. An apparatus for promoting a sale of a substitute product, comprising:
a storage device; and
a processor disposed in communication with the storage device;
the storage device storing a program for controlling the processor; and
the processor configured to
receive transaction data regarding an original product presented for purchase by a
consumer at a point of sale terminal;
transmit said transaction data to a server during a transaction session;
receive information regarding a substitute product from said server; and
transmit an offer of said substitute product to said consumer before the transaction
session terminates.

61. The apparatus of claim 60 wherein said processor is further configured to consummate a
sale of said substitute product upon acceptance of said offer.

62. The apparatus of claim 61 wherein said processor is further configured to remove
transaction data regarding said original product from pending sale data and substituting
transaction data regarding said substitute product in said pending sale data.

63. The apparatus of claim 60 wherein said processor is further configured to transmit a
signal to said server confirming a sale of said substitute product.

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1 64. The apparatus of claim 60 wherein said processor is further configured to consummate a
2 sale of said substitute product, including adding transaction data regarding said original
3 product to pending sale data after a consumer's rejection of said offer.

1 65. The apparatus of claim 60 wherein said processor is configured to transmit information
2 regarding said offer of said substitute product to said consumer via at least one of: a
3 printer, a display terminal and a speaker.

1 66. The apparatus of claim 60 wherein said processor is further configured to transmit to said
2 server inventory information of a potential substitute of said original product.

1 67. The apparatus of claim 60 wherein said processor is further configured to transmit
2 additional information to said server for determination of said possible substitute product,
3 said additional information comprising at least one of: product profit margin information,
4 product inventory information, product expiration date information, retail product price
5 information, product floor price information, product sales information, sale and
6 promotional pricing information, product demand information, product forecast
7 information, product class information, product pricing information, and information
8 regarding product features.

1 68. An apparatus for promoting a sale of a substitute product, comprising:
2 a storage device; and
3 a processor disposed in communication with the storage device;

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- 4 the storage device storing a program for controlling the processor; and
5 the processor configured to
6 receive transaction data regarding an original product presented for purchase by a
7 consumer at a point of sale terminal during a transaction session;
8 determine a substitute product to be offered to said consumer; and
9 transmit an offer of said substitute product to said consumer before the transaction
10 session terminates.

- 1 69. The apparatus of claim 68 wherein said processor is further configured to determine said
2 substitute product based on at least one of the following factors : product profit margin, product
3 inventory information, product expiration date, retail product price information, product floor
4 price information, product sales information, sale and promotional pricing information, product
5 demand, product forecasts, product class, product pricing, and product features.

- 1 70. The apparatus of claim 68 wherein said processor is further configured to consummate a
2 sale of said substitute product by removing transaction data regarding said original
3 product from pending sale data and substituting transaction data regarding said substitute
4 product in said pending sale data.

- 1 71. The apparatus of claim 68 wherein said processor is further configured to consummate a
2 sale of said original product upon a consumer's rejection of said offer.

1 72. The apparatus of claim 68 wherein said processor is further configured to consummate
2 said sale of said substitute product by adding transaction data regarding said original
3 product to pending sale data after said consumer's rejection of said offer.

1 73. The apparatus of claim 68 wherein said processor is further configured to transmit
2 information regarding said offer of said substitute product to said consumer via at least
3 one of: a printer, a display terminal and a speaker.

1 74. The apparatus of claim 68 wherein said processor is further configured to consummate a
2 sale of said original product if a retailer's transaction volume exceeds a predetermined
3 threshold during a predetermined amount of time.

1 75. An apparatus for promoting a sale of a substitute product, comprising:
2 a storage device; and
3 a processor disposed in communication with the storage device;
4 the storage device storing a program for controlling the processor; and
5 the processor configured to
6 receive, from a point of sale terminal, transaction data regarding an original
7 product presented for purchase by a consumer during a transaction session;
8 determine a substitute product to be offered to said consumer; and
9 transmit information regarding an offer of said substitute product to said point of
10 sale terminal for transmission to said consumer, before the transaction session terminates.

- 1 76. The apparatus of claim 75 wherein said processor is further configured to determine said
2 substitute product based at least one of the following factors: product profit margin, product
3 inventory information, product expiration date, retail product price information, product floor
4 price information, product sales information, sale and promotional pricing information, product
5 demand, product forecasts, product class, product pricing, and product features.

- 1 77. An apparatus for promoting a sale of a substitute product, comprising:
2 a storage device; and
3 a processor disposed in communication with the storage device;
4 the storage device storing a program for controlling the processor; and
5 the processor configured to
6 receive, from a server, transaction data regarding an original product presented for
7 purchase by a consumer during a transaction session;
8 determine a substitute product to be offered to said consumer; and
9 transmit information regarding an offer of said substitute product to said server
10 for transmission to said consumer, before the transaction session terminated.

- 1 78. The apparatus of claim 77 wherein said processor is configured to determine said
2 substitute product based on factors selected from the group consisting of: product profit
3 margin, product inventory information, product expiration date, retail product price
4 information, product floor price information, product sales information, sale and
5 promotional pricing information, demand rates, product forecasts, product class, product
6 pricing, and product features.

- 1 79. An apparatus for promoting a sale of a substitute product, comprising:

2 means for receiving transaction data regarding an original product presented for purchase
3 by a consumer at a point of sale terminal;
4 means for transmitting said transaction data to a server during a transaction session;
5 means for receiving information regarding a substitute product from said server; and
6 means for transmitting an offer of said substitute product to said consumer before the
7 transaction session terminates.

1 80. An apparatus for promoting a sale of a substitute product, comprising:
2 means for receiving transaction data regarding an original product presented for purchase
3 by a consumer at a point of sale terminal;
4 means for transmitting said transaction data to a server during a transaction session for
5 determination of a possible substitute product to be offered to said consumer;
6 means for transmitting an offer of said substitute product to said consumer before the
7 transaction session terminates;
8 means for consummating a sale of said original product if at least one of (a) no
9 information regarding said substitute product is received from said server, and (b) said consumer
10 declines said offering; and
11 means for consummating a sale of said substitute product upon acceptance by said
12 consumer of said offering.

1 81. An apparatus for promoting a sale of a substitute product, comprising:
2 means for receiving transaction data regarding an original product presented for purchase
3 by a consumer at a point of sale terminal during a transaction session;
4 means for determining a substitute product to be offered to said consumer ; and
5 means for transmitting an offer of said substitute product to said consumer before the
6 transaction session terminates.

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- 1 82. An apparatus for promoting a sale of a substitute product to a consumer, comprising:
2 means for receiving, from a point of sale terminal, transaction data regarding an original
3 product presented for purchase by a consumer during a transaction session;
4 means for determining a substitute product to be offered to said consumer; and
5 means for transmitting information regarding an offer of said substitute product to said
6 point of sale terminal prior to completion of said transaction session.

- 1 83. A method of promoting a sale of a substitute product to a consumer, comprising:
2 means for receiving, from a server, transaction data regarding an original product
3 presented for purchase by a consumer during a transaction session;
4 means for determining a substitute product to be offered to said consumer; and
5 means for transmitting information regarding an offer of said substitute product to said
6 server for transmission to said consumer.

- 1 84. Computer executable software code stored on a computer readable medium, the code
2 comprising:
3 code for receiving transaction data regarding an original product presented for purchase
4 by a consumer at a point of sale terminal;
5 code for transmitting said transaction data to a server during a transaction session;
6 code for receiving information regarding a substitute product from said server; and
7 code for transmitting an offer of said substitute product to said consumer before the
8 transaction session terminates.

- 1 85. A computer readable medium having computer executable software code stored thereon,
2 the code comprising:

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code for receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;
code for transmitting said transaction data to a server during a transaction session;
code for receiving information regarding a substitute product from said server; and
code for transmitting an offer of said substitute product to said consumer before the transaction session terminates.

86. Computer executable software code stored on a computer readable medium, the code comprising:
code for receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;
code for transmitting said transaction data to a server during a transaction session for determination of a possible substitute product to be offered to said consumer;
code for transmitting an offer of said substitute product to said consumer before the transaction session terminates;
code for consummating a sale of said original product if at least one of (a) no information regarding said substitute product is received from said server, and (b) said consumer declines said offering; and
code for consummating a sale of said substitute product upon acceptance by said consumer of said offering.

87. A computer readable medium having computer executable software code stored thereon, the code comprising:
code for receiving transaction data regarding an original product presented for purchase by a consumer at a point of sale terminal;
code for transmitting said transaction data to a server during a transaction session for determination of a possible substitute product to be offered to said consumer;

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code for offering said substitute product to said consumer before the transaction session terminates;
code for consummating a sale of said original product if at least one of (a) no information regarding said substitute product is received from said server, and (b) said consumer declines said offering; and
code for consummating a sale of said substitute product upon acceptance by said consumer of said offering.

88. Computer executable software code stored on a computer readable medium, the code comprising:
code for receiving, from a point of sale terminal, transaction data regarding an original product presented for purchase by a consumer during a transaction session;
code for determining a substitute product to be offered to said consumer; and
code for transmitting information regarding an offer of said substitute product to said point of sale terminal for transmission to said consumer, before the transaction session terminates.

89. A computer readable medium having computer executable software code stored thereon, the code comprising:
code for receiving, from a point of sale terminal, transaction data regarding an original product presented for purchase by a consumer during a transaction session;
code for determining a substitute product to be offered to said consumer; and
code for transmitting information regarding an offer of said substitute product to said point of sale terminal for transmission to said consumer, before the transaction session terminates.

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- 1 90. Computer executable software code stored on a computer readable medium, the code
2 comprising:
3 code for receiving, from a server, transaction data regarding an original product presented
4 for purchase by a consumer during a transaction session;
5 code for determining a substitute product to be offered to said consumer; and
6 code for transmitting information regarding an offer of said substitute product to said
7 server for transmission to said consumer, before the transaction session terminates.

- 1 91. A computer readable medium having computer executable software code stored thereon,
2 the code comprising:
3 code for receiving, from a server, transaction data regarding an original product presented
4 for purchase by a consumer during a transaction session;
5 code for determining a substitute product to be offered to said consumer; and code
6 for transmitting information regarding an offer of said substitute product to said server for
7 transmission to said consumer, before the transaction session terminates.

Abstract of Disclosure

A method for promoting the sale of a substitute product at the point of sale (POS). At least one POS terminal communicates with a POS server which in turn communicates with various manufacturer servers to transmit information therebetween. Upon the presentation of an original product for purchase by a consumer at a POS terminal, various manufacturers may decide to offer a substitute product to the consumer, prior to completing the purchase of the original product. As such, various manufacturers may offer promotional offers to encourage the buyer to favorably "switch" products. If the customer accepts the offer, the point of sale terminal completes the sale of the substitute product.

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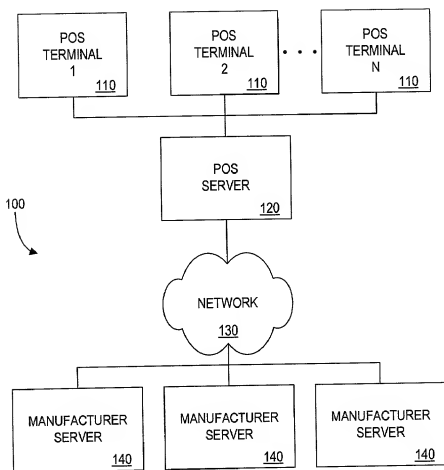


FIG. 1

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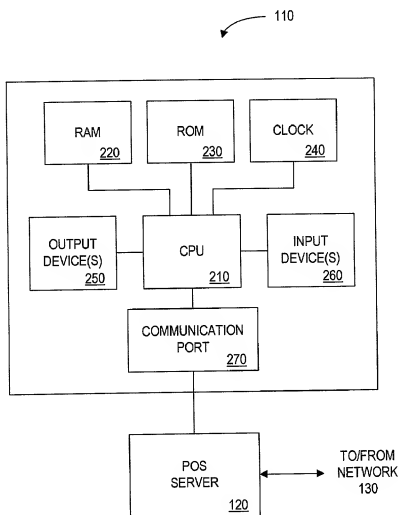


FIG. 2

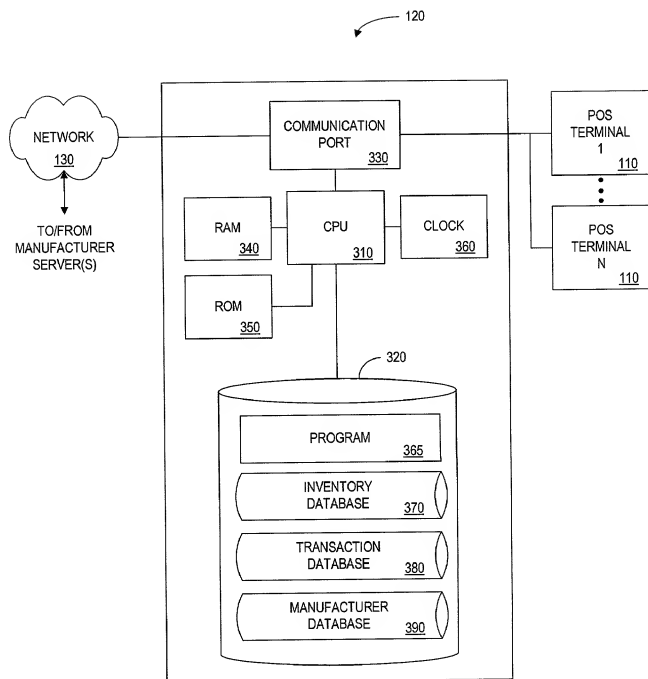


FIG. 3

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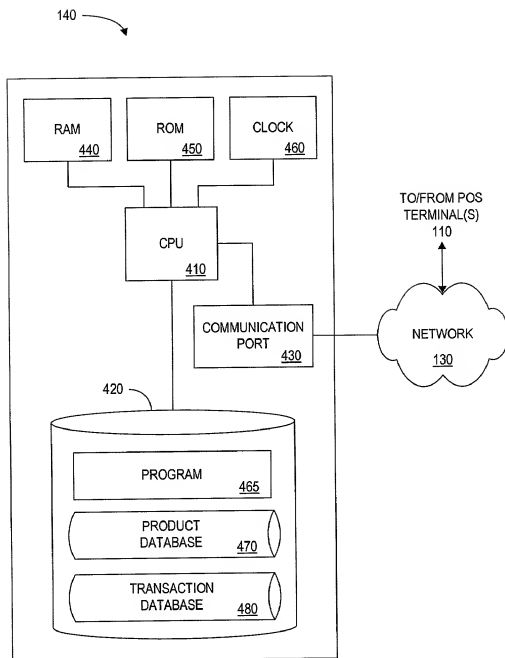


FIG. 4

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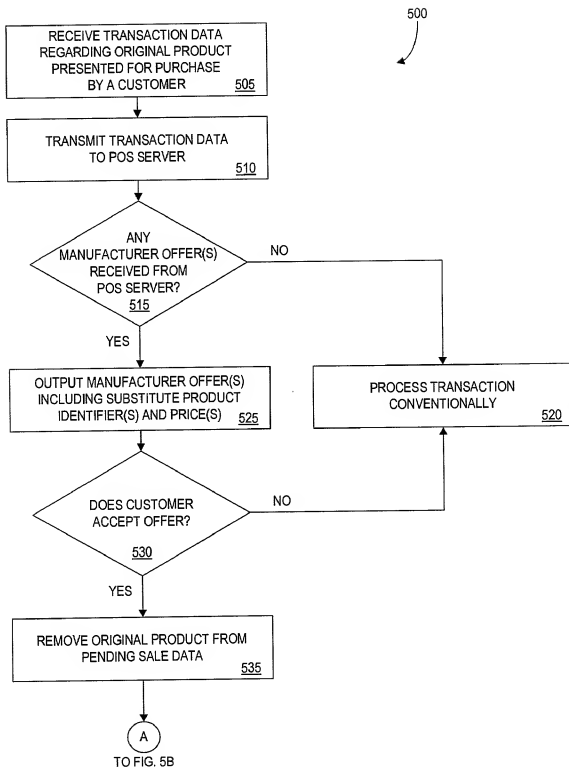


FIG. 5A

FROM FIG. 5A

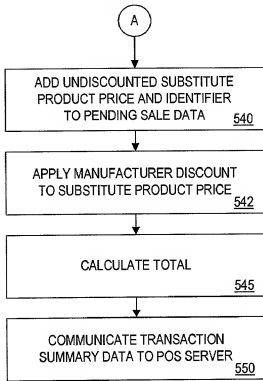


FIG. 5B

00221039-12888

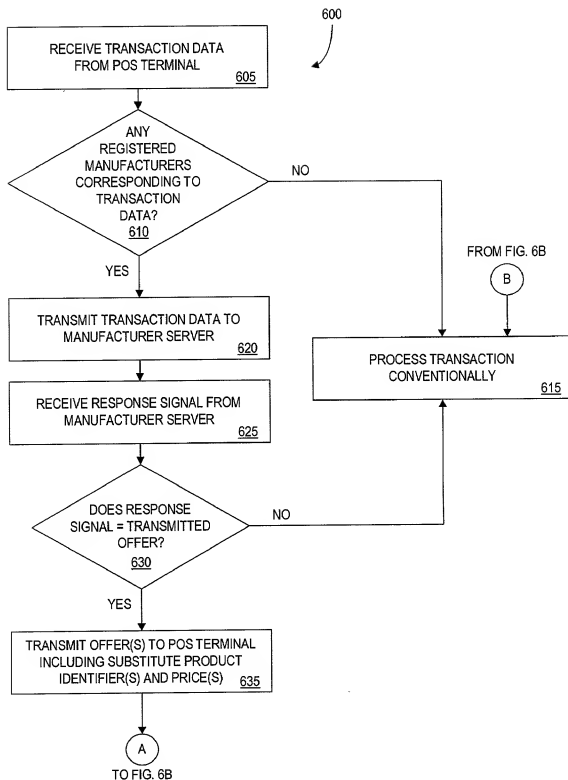


FIG. 6A

09/20/2016 12:28 PM



FIG. 6B

09221099.122898

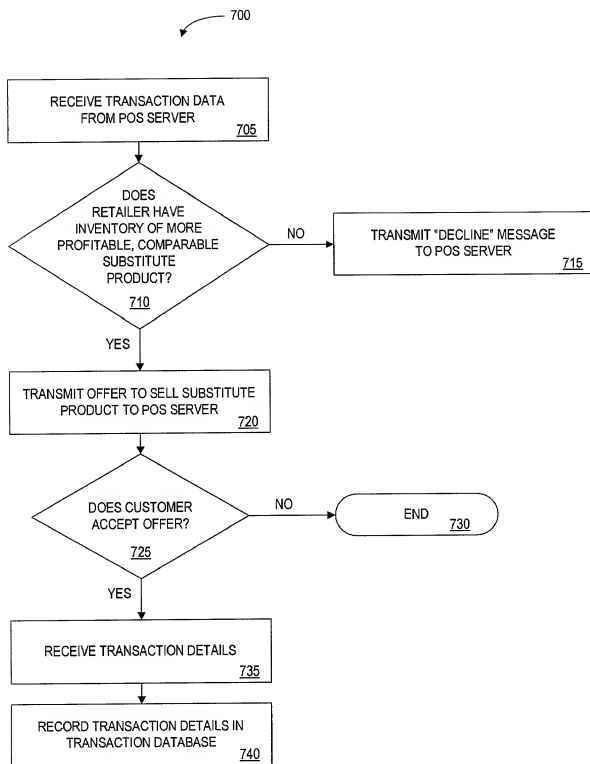


FIG. 7

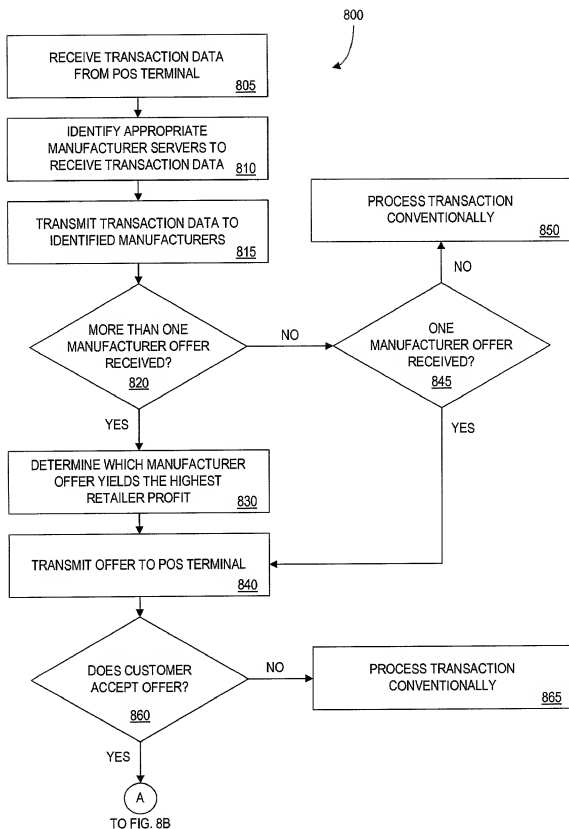


FIG. 8A

09221099.122898

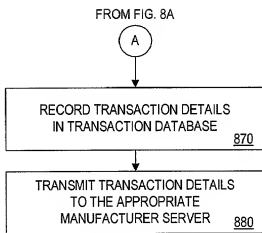


FIG. 8B

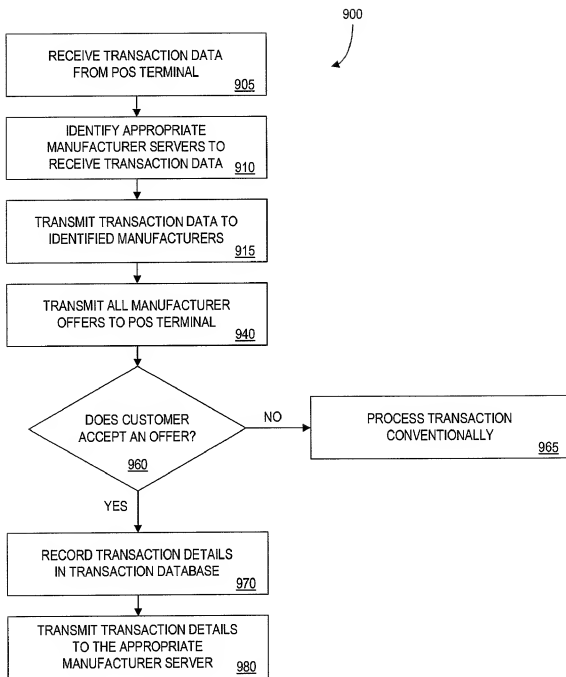


FIG. 9

Docket No.
WD2-98-112

Declaration and Power of Attorney For Patent Application

English Language Declaration

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

INTERNET SURVEILLANCE SYSTEM AND METHOD

the specification of which

(check one)

☒ is attached hereto.

☐ was filed on _____ as United States Application No. or PCT International Application Number _____ and was amended on _____

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number) (Country) (Day/Month/Year Filed)

☐

(Number) (Country) (Day/Month/Year Filed)

☐

(Number) (Country) (Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

(Application Serial No.)

(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

08/994,426

19 December 1997

Pending

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

09/166,405

5 October 1998

Pending

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

(Application Serial No.)

(Filing Date)

(Status)
(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. *(list name and registration number)*

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Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	